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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,504

05/22/2006

Hans Zoerb

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EXAMINER

SMITH, PRESTON

ART UNIT

PAPER NUMBER

1794

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,504	Applicant(s) ZOERB, HANS	
	Examiner PRESTON SMITH	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/22/08, 02/28/08, 12/05/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 6, 11, 16 and their dependents are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what is encompassed by the phrase "normally bitter/cardboard tasting protein". Page 4 of applicant's specification states that "The normally bitter/cardboard-tasting proteins contemplated by the invention comprise whey protein, soy protein, and casein protein". The specific term "normally bitter/cardboard-taste" is easily characterized by the strong bitter and cardboard taste normally associated with whey protein, soy protein, and casein protein. However, this is not a specific definition of the phrase, such that one skilled in the art would know which proteins would be encompassed by the phrase. Also, the explanation on page 4 of applicant's specification states that the inventive proteins "comprise" whey protein, soy protein and casein protein, and thus others are suggested and contemplated, yet the specification provides no guidance toward the metes and bounds of the claimed phrase. Furthermore, the term "normally" is a relative term which renders the claim indefinite. The term is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one

Art Unit: 1794

of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear under what conditions or at what times the proteins possess the recited properties. Still further, it is unclear as to what is encompassed by the phrase "bitter/cardboard taste", as this would be subjective to the taster.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,3-6, 8-11,13-16,18-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Takahiko Mandai, US-Patent 5,919,668 in view of Gregory A. Bates, US-Patent 6,703,051 as evidenced by Soyptideabsorb NPL,

Art Unit: 1794

**Soybeanpeptideamino NPL, Soypeptidehydrolyzate NPL, and
ScienceDirectPeptides NPL.**

Referring to claim 1, Mandai teaches mixing a soybean peptide in 40% solution with trehalose followed by drying the mixture at 50 C (which would substantially dehydrate it) (column 37, lines 28 - 33). Mandai then teaches adding the mixture to flavored nutritional beverages such as parenteral liquid foods (column 37, lines 35-40). Since trehalose is mixed with the soybean peptide in 40% solution (column 37, line 30), it is considered to be substantially distributed throughout the soybean peptide in 40% solution. Mandai does not teach the use of soy protein however soy protein and peptides are known to both be a major source of plant proteins in the human diet (see ScienceDirect, Peptides, paragraph 2 of the introduction, NPL.). Although Mandai does not explicitly teach soy protein, Bates discloses that soy protein is known to be used in nutritional beverages (column 1, lines 21-27). Soy peptides however do not contain all of the amino acids that soy proteins contain (see Soybeanpeptideamino NPL, paragraph 2) so one of ordinary skill in the art at the time of the invention would have been motivated to substitute soy peptide for soy protein in order to provide a nutritional beverage that contains all of the amino acids that soy protein contains. Although soy peptides are more desirable for drinks such as sports drinks because they are known to absorb more easily into muscles (see Soypeptideabsorb NPL), consumers (who may be vegetarian) desiring a complete source of amino acids in their beverages would desire soy protein over soy peptide and thus one of ordinary skill would have been motivated

Art Unit: 1794

to substitute soy protein disclosed by Bates for soy peptide taught in Mandai in order to make the invention of Mandai attractive to a wider group of consumers.

Mandai also teaches that trehalose has a favorable taste masking effect and taste improving effect (see column 10, line 29 and column 11, line 41-42). It is not known if the trehalose of Mandai is added in amounts to sufficiently mask the taste of the soybean peptide in 40% solution (column 37, lines 28 - 33), however it would have been obvious to one of ordinary skill in the art at the time of the invention to add trehalose in amounts that would mask the taste of the soybean peptide in 40% solution in order to allow the beverage to which it is being added to retain its original taste and thus it would have been obvious to one of ordinary skill in the art to add trehalose in sufficient quantities to mask the soy protein of the composite invention of Mandai in view of Bates, in order to produce a beverage that is unaltered in taste by the addition of the "bitter/cardboard tasting" soy protein.

Referring to claim 3, Bates discloses soy protein (column 1, lines 21-27).

Referring to claim 4, Mandai teaches soy peptide (column 37, lines 28 - 33) which is a hydrolyzate (see Soy peptide hydrolyzate NPL).

Referring to claim 5, Bates teaches nutritional flavored beverages (column 1, lines 21-27).

Art Unit: 1794

Referring to claim 6, Mandai teaches mixing a soybean peptide in 40% solution with trehalose followed by drying the mixture at 50 C (which would substantially dehydrate it) (column 37, lines 28 - 33). Mandai then teaches adding the mixture to flavored nutritional beverages such as parenteral liquid foods (column 37, lines 35-40). Since trehalose is mixed with the soybean peptide in 40% solution (column 37, line 30), it is considered to be substantially distributed throughout the soybean peptide in 40% solution. Mandai does not teach the use of soy protein however soy protein and peptides are known to both be a major source of plant proteins in the human diet (see ScienceDirect, Peptides, paragraph 2 of the introduction, NPL.). Although Mandai does not explicitly teach soy protein, Bates discloses that soy protein is known to be used in nutritional beverages (column 1, lines 21-27). Soy peptides however do not contain all of the amino acids that soy proteins contain (see Soybeanpeptideamino NPL, paragraph 2) so one of ordinary skill in the art at the time of the invention would have been motivated to substitute soy peptide for soy protein in order to provide a nutritional beverage that contains all of the amino acids that soy protein contains. Although soy peptides are more desirable for drinks such as sports drinks because they are known to absorb more easily into muscles (see Soypeptideabsorb NPL), consumers (who may be vegetarian) desiring a complete source of amino acids in their beverages would desire soy protein over soy peptide and thus one of ordinary skill would have been motivated to substitute soy protein disclosed by Bates for soy peptide taught in Mandai in order to make the invention of Mandai attractive to a wider group of consumers.

Mandai also teaches that trehalose has a favorable taste masking effect and taste improving effect (column 11, line 41-42). It is not known if the trehalose of Mandai is added in amounts to sufficiently mask the taste of the soybean peptide in 40% solution (column 37, lines 28 - 33) however it would have been obvious to one of ordinary skill in the art at the time of the invention to add trehalose in amounts that would mask the taste of the soybean peptide in 40% solution in order to allow the beverage to which it is being added to retain its original taste and thus it would have been obvious to one of ordinary skill in the art to add trehalose in sufficient quantities to mask the soy protein of the composite invention of Mandai in view of Bates, in order to produce a beverage that is unaltered in taste by the addition of the "bitter/cardboard tasting" soy protein. Also, the mixture would have to be at least part of the additive to the beverage since it is the entire additive of the beverage. Because of this, it is considered that the mixture is formulated into at least part of the additive.

Referring to claim 8, Bates discloses soy protein (column 1, lines 21-27).

Referring to claim 9, Mandai teaches soy peptide (column 37, lines 28 - 33) which is a hydrolyzate (see Soy peptide hydrolyzate NPL).

Referring to claim 10, Bates teaches nutritional flavored beverages (column 1, lines 21-27).

Referring to claim 11, Mandai teaches mixing a soybean peptide in 40% solution with trehalose followed by drying the mixture at 50 C (which would substantially dehydrate it) (column 37, lines 28 - 33). Mandai then teaches adding the mixture to flavored nutritional beverages such as parenteral liquid foods (column 37, lines 35-40). Since trehalose is mixed with the soybean peptide in 40% solution (column 37, line 30), it is considered to be substantially distributed throughout the soybean peptide in 40% solution. Mandai does not teach the use of soy protein however soy protein and peptides are known to both be a major source of plant proteins in the human diet (see ScienceDirect, Peptides, paragraph 2 of the introduction, NPL.). Although Mandai does not explicitly teach soy protein, Bates discloses that soy protein is known to be used in nutritional beverages (column 1, lines 21-27). Soy peptides however do not contain all of the amino acids that soy proteins contain (see Soybeanpeptideamino NPL, paragraph 2) so one of ordinary skill in the art at the time of the invention would have been motivated to substitute soy peptide for soy protein in order to provide a nutritional beverage that contains all of the amino acids that soy protein contains. Although soy peptides are more desirable for drinks such as sports drinks because they are known to absorb more easily into muscles (see Soypeptideabsorb NPL), consumers (who may be vegetarian) desiring a complete source of amino acids in their beverages would desire soy protein over soy peptide and thus one of ordinary skill would have been motivated to substitute soy protein disclosed by Bates for soy peptide taught in Mandai in order to make the invention of Mandai attractive to a wider group of consumers.

Art Unit: 1794

Mandai also teaches that trehalose has a favorable taste masking effect and taste improving effect (column 11, line 41-42). It is not known if the trehalose of Mandai is added in amounts to sufficiently mask the taste of the soybean peptide in 40% solution (column 37, lines 28 - 33) however it would have been obvious to one of ordinary skill in the art at the time of the invention to add trehalose in amounts that would mask the taste of the soybean peptide in 40% solution in order to allow the beverage to which it is being added to retain its original taste and thus it would have been obvious to one of ordinary skill in the art to add trehalose in sufficient quantities to mask the soy protein of the composite invention of Mandai in view of Bates, in order to produce a beverage that is unaltered in taste by the addition of the "bitter/cardboard tasting" soy protein.

Referring to claim 13, Bates discloses soy protein (column 1, lines 21-27).

Referring to claim 14, Mandai teaches soy peptide (column 37, lines 28 - 33) which is a hydrolyzate (see Soypeptidehydrolyzate NPL)

Referring to claim 15, Bates teaches nutritional flavored beverages (column 1, lines 21-27).

Referring to claim 16, Mandai teaches mixing a soybean peptide in 40% solution with trehalose followed by drying the mixture at 50 C (which would substantially dehydrate it)

Art Unit: 1794

(column 37, lines 28 - 33). Mandai then teaches adding the mixture to flavored nutritional beverages such as parenteral liquid foods (column 37, lines 35-40). Since trehalose is mixed with the soybean peptide in 40% solution (column 37, line 30), it is considered to be substantially distributed throughout the soybean peptide in 40% solution. Mandai does not teach the use of soy protein however soy protein and peptides are known to both be a major source of plant proteins in the human diet (see ScienceDirect, Peptides, paragraph 2 of the introduction, NPL.). Although Mandai does not explicitly teach soy protein, Bates discloses that soy protein is known to be used in nutritional beverages (column 1, lines 21-27). Soy peptides however do not contain all of the amino acids that soy proteins contain (see Soybeanpeptideamino NPL, paragraph 2) so one of ordinary skill in the art at the time of the invention would have been motivated to substitute soy peptide for soy protein in order to provide a nutritional beverage that contains all of the amino acids that soy protein contains. Although soy peptides are more desirable for drinks such as sports drinks because they are known to absorb more easily into muscles (see Soypeptideabsorb NPL), consumers (who may be vegetarian) desiring a complete source of amino acids in their beverages would desire soy protein over soy peptide and thus one of ordinary skill would have been motivated to substitute soy protein disclosed by Bates for soy peptide taught in Mandai in order to make the invention of Mandai attractive to a wider group of consumers.

Mandai also teaches that trehalose has a favorable taste masking effect and taste improving effect (column 11, line 41-42). It is not known if the trehalose of Mandai is added in amounts to sufficiently mask the taste of the soybean peptide in 40%

Art Unit: 1794

solution (column 37, lines 28 - 33) however it would have been obvious to one of ordinary skill in the art at the time of the invention to add trehalose in amounts that would mask the taste of the soybean peptide in 40% solution in order to allow the beverage to which it is being added to retain its original taste and thus it would have been obvious to one of ordinary skill in the art to add trehalose in sufficient quantities to mask the soy protein of the composite invention of Mandai in view of Bates, in order to produce a beverage that is unaltered in taste by the addition of the "bitter/cardboard tasting" soy protein.

Referring to claim 18, Bates discloses soy protein (column 1, lines 21-27).

Referring to claim 19, Mandai teaches soy peptide (column 37, lines 28 - 33) which is a hydrolyzate (see Soypeptidehydrolyzate NPL.)

Referring to claim 20, Bates teaches nutritional flavored beverages (column 1, lines 21-27).

Referring to claim 21, Bates teaches nutritional flavored beverages (column 1, lines 21-27). The composite invention of Mandai in view of Bates would result in a flavored beverage prepared by the method described in claim one of applicant's invention.

Art Unit: 1794

Referring to claim 22, as mentioned in examiners address of claim six, the composite invention of Mandai in view of Bates would produce the additive prepared by the method described in claim six of applicant's invention.

Claims 2,7,12,17 rejected under 35 U.S.C. 103(a) as being unpatentable over Takahiko Mandai, US-Patent 5,919,668 in view of Jeffery Wayne Liebrecht, US-Patent 6,106,874 and as evidenced by whey vs. soy protein NPL.

Referring to claim 2, Mandai teaches mixing a soybean peptide in 40% solution with trehalose followed by drying the mixture at 50 C (which would substantially dehydrate it) (column 37, lines 28 - 33). Mandai then teaches adding the mixture to flavored nutritional beverages such as parenteral liquid foods (column 37, lines 35-40). Since trehalose is mixed with the soybean peptide in 40% solution (column 37, line 30), it is considered to be substantially distributed throughout the soybean peptide in 40% solution. Mandai does not teach the use of whey protein however whey protein and soy peptides are known to be an important source of proteins in the human diet. Although Mandai does not teach whey protein, Liebrecht teaches the use of whey proteins in the creation of a nutritional beverage (column 12, lines 65-67). Whey protein is known to be very high in biological value and thus it is highly desired by athletes. One of ordinary skill in the art at the time of the invention would have been motivated to substitute whey protein for soy peptide in order to produce a beverage that is very high in biological

Art Unit: 1794

value (see whey protein vs soy protein NPL). This beverage would be appealing to an athlete and thus would enhance the value of the invention taught by Mandai.

Mandai also teaches that trehalose has a favorable taste masking effect and taste improving effect (column 11, line 41-42). It is not known if the trehalose of Mandai is added in amounts to sufficiently mask the taste of the soybean peptide in 40% solution (column 37, lines 28 - 33) however it would have been obvious to one of ordinary skill in the art at the time of the invention to add trehalose in amounts that would mask the taste of the soybean peptide in 40% solution in order to allow the beverage to which it is being added to retain its original taste and thus it would have been obvious to one of ordinary skill in the art to add trehalose in sufficient quantities to mask the whey protein of the composite invention of Mandai in view of Liebreacht, in order to produce a beverage that is unaltered in taste by the addition of the "bitter/cardboard tasting" whey protein.

Referring to claim 7, Mandai teaches mixing a soybean peptide in 40% solution with trehalose followed by drying the mixture at 50 C (which would substantially dehydrate it) (column 37, lines 28 - 33). Mandai then teaches adding the mixture to flavored nutritional beverages such as parenteral liquid foods (column 37, lines 35-40). Since trehalose is mixed with the soybean peptide in 40% solution (column 37, line 30), it is considered to be substantially distributed throughout the soybean peptide in 40% solution. Mandai does not teach the use of whey protein however whey protein and soy

Art Unit: 1794

peptides are known to be an important source of proteins in the human diet. Although Mandai does not teach whey protein, Liebreacht teaches the use of whey proteins in the creation of a nutritional beverage (column 12, lines 65-67). Whey protein is known to be very high in biological value and thus it is highly desired by athletes. One of ordinary skill in the art at the time of the invention would have been motivated to substitute whey protein for soy peptide in order to produce a beverage that is very high in biological value (see whey protein vs soy protein NPL). This beverage would be appealing to athlete and thus would enhance the value of the invention taught by Mandai.

Mandai also teaches that trehalose has a favorable taste masking effect and taste improving effect (column 11, line 41-42). It is not known if the trehalose of Mandai is added in amounts to sufficiently mask the taste of the soybean peptide in 40% solution (column 37, lines 28 - 33) however it would have been obvious to one of ordinary skill in the art at the time of the invention to add trehalose in amounts that would mask the taste of the soybean peptide in 40% solution in order to allow the beverage to which it is being added to retain its original taste and thus it would have been obvious to one of ordinary skill in the art to add trehalose in sufficient quantities to mask the whey protein of the composite invention of Mandai in view of Liebreacht, in order to produce a beverage that is unaltered in taste by the addition of the "bitter/cardboard tasting" whey protein. Also, the mixture would have to be at least part of the additive to the beverage since it is the entire additive of the beverage. Because of this, it is considered that the mixture is formulated into at least part of the additive.

Art Unit: 1794

Referring to claim 12, Mandai teaches mixing a soybean peptide in 40% solution with trehalose followed by drying the mixture at 50 C (which would substantially dehydrate it) (column 37, lines 28 - 33). Mandai then teaches adding the mixture to flavored nutritional beverages such as parenteral liquid foods (column 37, lines 35-40). Since trehalose is mixed with the soybean peptide in 40% solution (column 37, line 30), it is considered to be substantially distributed throughout the soybean peptide in 40% solution. Mandai does not teach the use of whey protein however whey protein and soy peptides are known to be an important source of proteins in the human diet. Although Mandai does not teach whey protein, Liebreacht teaches the use of whey proteins in the creation of a nutritional beverage (column 12, lines 65-67). Whey protein is known to be very high in biological value and thus it is highly desired by athletes. One of ordinary skill in the art at the time of the invention would have been motivated to substitute whey protein for soy peptide in order to produce a beverage that is very high in biological value (see whey protein vs soy protein NPL). This beverage would be appealing to athlete and thus would enhance the value of the invention taught by Mandai.

Mandai also teaches that trehalose has a favorable taste masking effect and taste improving effect (column 11, line 41-42). It is not known if the trehalose of Mandai is added in amounts to sufficiently mask the taste of the soybean peptide in 40% solution (column 37, lines 28 - 33) however it would have been obvious to one of ordinary skill in the art at the time of the invention to add trehalose in amounts that would mask the taste of the soybean peptide in 40% solution in order to allow the beverage to which it is being added to retain its original taste and thus it would have

Art Unit: 1794

been obvious to one of ordinary skill in the art to add trehalose in sufficient quantities to mask the whey protein of the composite invention of Mandai in view of Liebreacht, in order to produce a beverage that is unaltered in taste by the addition of the "bitter/cardboard tasting" whey protein.

Referring to claim 17, Mandai teaches mixing a soybean peptide in 40% solution with trehalose followed by drying the mixture at 50 C (which would substantially dehydrate it) (column 37, lines 28 - 33). Mandai then teaches adding the mixture to flavored nutritional beverages such as parenteral liquid foods (column 37, lines 35-40). Since trehalose is mixed with the soybean peptide in 40% solution (column 37, line 30), it is considered to be substantially distributed throughout the soybean peptide in 40% solution. Mandai does not teach the use of whey protein however whey protein and soy peptides are known to be an important source of proteins in the human diet. Although Mandai does not teach whey protein, Liebreacht teaches the use of whey proteins in the creation of a nutritional beverage (column 12, lines 65-67). Whey protein is known to be very high in biological value and thus it is highly desired by athletes. One of ordinary skill in the art at the time of the invention would have been motivated to substitute whey protein for soy peptide in order to produce a beverage that is very high in biological value (see whey protein vs soy protein NPL). This beverage would be appealing to athlete and thus would enhance the value of the invention taught by Mandai.

Mandai also teaches that trehalose has a favorable taste masking effect and taste improving effect (column 11, line 41-42). It is not known if the trehalose of Mandai

Art Unit: 1794

is added in amounts to sufficiently mask the taste of the soybean peptide in 40% solution (column 37, lines 28 - 33) however it would have been obvious to one of ordinary skill in the art at the time of the invention to add trehalose in amounts that would mask the taste of the soybean peptide in 40% solution in order to allow the beverage to which it is being added to retain its original taste and thus it would have been obvious to one of ordinary skill in the art to add trehalose in sufficient quantities to mask the whey protein of the composite invention of Mandai in view of Liebreacht, in order to produce a beverage that is unaltered in taste by the addition of the "bitter/cardboard tasting" whey protein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRESTON SMITH whose telephone number is (571)270-7084. The examiner can normally be reached on Mon-Fr 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

prs

/KEITH D. HENDRICKS/
Supervisory Patent Examiner, Art Unit 1794